

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

WF EXOTICS, LLC

Plaintiff,

vs.

WILDLIFE WORLD ZOO, INC.

Defendant.

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CIVIL ACTION NO. 5-22-cv-01231

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

NOW COMES Wildlife World Zoo, Inc. (“WWZ”), defendant in a cause styled *WF Exotics, LLC v. Wildlife World Zoo, Inc.*, Cause No. 2022CI19065, in the 37th District Court for Bexar County, Texas and pursuant to the terms and provisions of 28 U.S.C. §§ 1441(a) and 1446(b), hereby respectfully files this Notice of Removal of said cause to the United States District Court for the Western District of Texas, San Antonio Division. As grounds for removal, WWZ respectfully shows the Court as follows:¹

I.
NATURE OF THE CASE

Plaintiff filed this suit on September 27, 2022 against only WWZ. *See* Ex. A-2. Plaintiff alleges WWZ violated an agreement to sell it two giraffes. *Id.*, ¶¶ 11-13. Plaintiff asserts claims for fraud, breach of contract, and violations of the Texas Deceptive Trade Practices Act. *Id.*, ¶¶ 14-23. Plaintiff requests actual damages, exemplary damages, and attorneys’ fees. *Id.*, ¶¶ 24-29.

¹ WWZ attaches as Exhibit A to this Notice of Removal its Index of Matters Being Filed that includes the docket sheet of the underlying state court action and each document filed in the state court action. A copy of the Certificate of Interested Persons and Rule 7.1 Disclosure Statement is attached as Exhibit B.

The Bexar County District Clerk issued a citation for WWZ on October 12, 2022. *See* Ex. A-3.

WWZ was served with the citation and a copy of Plaintiffs' petition on October 20, 2022. *See* Ex. A-5.

WWZ now timely removes this suit.

II.

DIVERSITY JURISDICTION

Pursuant to 28 U.S.C. § 1441, WWZ removes this action to the district court of the United States for the district and division embracing the place where this action is pending. In support of this Notice, WWZ shows that there is complete diversity of citizenship between Plaintiff and WWZ because Plaintiff and WWZ are citizens of different states (*see* Section II(A), below), and the amount in controversy exceeds \$75,000.00 (*see* Section II(B), below). Removal is appropriate because it has been sought less than thirty days since WWZ received service and because it has been less than one year since this action was originally commenced. *See* 28 U.S.C. § 1446(b), (c).

A. There is complete diversity of citizenship.

There is complete diversity as between Plaintiff and WWZ in this case.

Plaintiff alleges it is a Texas Domestic Limited Liability Company with its principal place of business in Helotes, Texas. *See* Ex. A-2, ¶ 2. The citizenship of an LLC is determined by the citizenship of its member(s). Wesley Fleming of Helotes, Texas is the member of WF Exotics, LLC. *See* Ex. C (WF Exotics, LLC's Certificate of Formation). Thus, Plaintiff is a citizen of Texas for purposes of determining if diversity jurisdiction exists.

WWZ is a corporation organized under the laws of Arizona with its principal place of business in Arizona.

Accordingly, there is complete diversity between Plaintiff (Texas) and WWZ (Arizona).

B. The amount in controversy exceeds \$75,000.

In its Petition, Plaintiff alleges it seeks “monetary relief over \$250,000 but not more than \$1,000,000.” *See* Ex. A-2, ¶ 5. Accordingly, the amount in controversy requirement is satisfied in this case.

III.

NOTICE OF REMOVAL IS TIMELY

Because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000, WWZ is entitled to have this cause removed to the United States District Court for the Western District of Texas, Austin Division. WWZ further shows that this removal is timely sought. WWZ is removing this case less than 30 days after being served with Plaintiff’s lawsuit on October 20, 2022. *See* Ex. A-5. Accordingly, WWZ’s removal is well within both the 30-day and one-year removal deadlines set forth in 28 U.S.C. § 1446(b) and (c).

IV.

CONCLUSION AND PRAYER

All conditions and procedures for removal have been satisfied. WWZ attaches copies of the processes, pleadings, and orders from the Bexar County District Court’s file with its Index of Matters Being Filed (Exhibit A). WWZ will also promptly give written notice of the filing of this notice of removal to Plaintiff, as well as promptly file a copy of the Notice of Removal with the Clerk of the District Court of Bexar County, Texas. *See* Ex. A-7.

WHEREFORE, PREMISES CONSIDERED, Defendant Wildlife World Zoo, Inc. respectfully removes this action from the 37th Judicial District Court of Bexar County, Texas, to this Honorable Court for trial and determination of all issues.

Respectfully submitted,

/s/ David M. Prichard

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**ATTORNEYS FOR DEFENDANT,
WILDLIFE WORLD ZOO, INC.**

CERTIFICATE OF SERVICE

In compliance with the Federal Rules of Civil Procedure, I certify that on November 10, 2022, a true and correct copy of the foregoing document was filed electronically with the clerk of the Court and served on the parties or attorneys electronically. The following parties or attorney(s) are served with the foregoing document:

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